

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 3, 2008

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
James Schuyler, Vice-Chair
Tonye Epps
Laura DuPuy (arrived at 10:35 A.M.)
Robert Ruais
Jim Ginnell
Stephen McMaster
Neil Bhatt
Martin Maples

The following Board Members were not present: Jeffrey Adkins, Penny Johnson and Cynthia Clare

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Liz Hayes, Fair Housing Administrator
Kevin Hoeft, Board Administrator
Emily Trent, Administrative Assistant
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:03 **Call to Order** A.M.

There was no public comment.

Public Comment

A motion was made by Mr. Schuyler and seconded by Mr. McMaster to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Agenda

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2008-02122, Mark Stanley v. Betty Wright**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to defer the case to the next Board meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2008-
02122, Mark Stanley v.
Betty Wright**

In the matter of **FHB File Number 2008-00395, Aristides and Alma Murcia v. Mary Massey, Paul Morgan, Barcroft Limited Partnership and Barcroft Management**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Barrie Bowers, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2008-
00395, Aristides and
Alma Murcia v. Mary
Massey, Paul Morgan,
Barcroft Limited
Partnership and
Barcroft Management**

In the matter of **FHB File Number 2009-00090, Shannon Wolfe v. Alaina Flynn and Brookville Apartments, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Final Investigative Report and Supplement. A motion was made by Mr. McMaster and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais and Rubinstein. Member voting "No" was Schuyler.

**FHB File Number 2009-
00090, Shannon Wolfe v.
Alaina Flynn and
Brookville Apartments,
LP**

Laura DuPuy arrived at 10:35 A.M.

**Arrival of Board
Member**

In the matter of **FHB File Number 2009-00707, Evangeline Sydnor v. Spaulding Development Co, Inc., dba Huguenot Apartments and Sarah Rowe Klein**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Robert Harris, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00707, Evangeline Sydnor v. Spaulding Development Co, Inc., dba Huguenot Apartments and Sarah Rowe Klein

In the matter of **FHB File Number 2009-01021, Rasik and Jashoda Patel v. Marcia Frye and Mercury Investment Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01021, Rasik and Jashoda Patel v. Marcia Frye and Mercury Investment Company

In the matter of **FHB File Number 2008-03947, Sandra Tabb v. William Martin**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Sandra Tabb, Complainant, and her sons, Nicholas and Dohnovan, and William Martin, Respondent, were present and addressed the Board. A motion was made by Ms. DuPuy and seconded by Mr. Ruais to find reasonable cause that the respondents discriminated against the complainant in terms and conditions of rental occupancy of the subject property based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03947, Sandra Tabb v. William Martin

A motion was made by Mr. Ruais and seconded by Mr. McMaster to find no reasonable cause against the complainant in terms and conditions of rental occupancy based on race. The motion passed by majority vote.

Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais and Rubinstein. Mr. Schuyler abstained from voting in the matter.

In the matter of **FHB File Number 2008-04823, Avis Ambers v. Amanda Harris and Prince William County Office of Housing & Community Development**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, DuPuy, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler. Member voting "No" was Epps.

FHB File Number 2008-04823, Avis Ambers v. Amanda Harris and Prince William County Office of Housing & Community Development

In the matter of **FHB File Number 2009-00358, Pamela Barbour v. Allison Bullock and Camden Development, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00358, Pamela Barbour v. Allison Bullock and Camden Development, Inc.

In the matter of **FHB File Number 2009-01096, Misty Blackwell v. Robert L. Johnston and Hopeman West Associates**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Final Investigative Report and Supplement. A motion was made by Mr. Ruais and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01096, Misty Blackwell v. Robert L. Johnston and Hopeman West Associates

In the matter of **FHB File Number 2008-03985, Tammy Krenzer v. James and Sarah Lee**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Ruais and seconded by Mr. Ginnell to find reasonable cause that the respondent discriminated against the complainant by making

FHB File Number 2008-03985, Tammy Krenzer v. James and Sarah Lee

discriminatory statements and in terms and conditions of rental based on sex. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

In the matter of **FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Attorney General. A motion was made by Ms. DuPuy and seconded by Mr. Maples to defer the case to the next Board meeting. The motion passed by majority vote. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster and Ruais. Member voting "No" was Schuyler. Mr. Rubinstein abstained from voting in the matter.

FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association

In the matter of **FHB File Number 2009-01311, Fair Housing Board v. Preston B. Basnight and 352, LLC**, a motion was made by Mr. Schuyler and seconded by Mr. Ruais to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01311, Fair Housing Board v. Preston B. Basnight and 352, LLC

In the matter of **FHB File Number 2008-03133, Daniel and Margaret Rothenhoefer v. Thomas and Vivian Maldonado**, a motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03133, Daniel and Margaret Rothenhoefer v. Thomas and Vivian Maldonado

In the matter of **FHB File Number 2008-04774, Dorcase Ann Taylor v. Joan Penny, Dan Jones and Kathleen Jones**, a motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04774, Dorcase Ann Taylor v. Joan Penny, Dan Jones and Kathleen Jones

In the matter of **FHB File Number 2009-00219, Stephanie Webber v. B-W Enterprises LLC and Donnetta Jones**, a

FHB File Number 2009-00219, Stephanie

motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**Webber v. B-W
Enterprises LLC and
Donnetta Jones**

In the matter of **FHB File Number 2009-00836, Fair Housing Board v. Michael and Susan Michael**, a motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2009-
00836, Fair Housing
Board v. Michael and
Susan Michael**

In the matter of **FHB File Number 2008-03927, Christopher Biby and Heather Biby v. Sandra Ward & Larry Ward**, a motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2008-
03927, Christopher Biby
and Heather Biby v.
Sandra Ward & Larry
Ward**

In the matter of **FHB File Number 2009-01184, Hershel Keith v. Dottie Holmes and Great Oaks Apartments, LLC**, a motion was made by Mr. Ruais and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2009-
01184, Hershel Keith v.
Dottie Holmes and
Great Oaks Apartments,
LLC**

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, a motion was made by Mr. Maples and seconded by Mr. Ginnell to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2008-
00608, Christina and
Clifton Heggins v.
Tabitha Deberry and
New Townhouse Park
Association c/o
Pennsylvania Realty
Association, LLC**

In the matter of **FHB File Number 2008-02534, John T. Hinson v. Claudine D. McAllister**, a motion was made by Mr. Maples and seconded by Mr. Ginnell to approve the settlement terms as presented. The motion passed

**FHB File Number 2008-
02534, John T. Hinson v.
Claudine D. McAllister**

unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Tom Payne updated the Board on the status of pending litigation. No action was taken by the Board.

Old Business

In the matter of **FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Trav-L-Park, Sea Bay Development Corporation and RGB, Inc.**, a motion was made by Mr. Maples and seconded by Mr. Schuyler for legal counsel to move forward with removing Sea Bay Development Corporation as a defendant in the manner recommended by counsel of the Fair Housing Board's lawsuit in this matter. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Trav-L-Park, Sea Bay Development Corporation and RGB, Inc.

The Board recessed from 11:43 A.M. to 11:55 A.M.

Break

FHB File Number 2007-01497, Shelby James v. George's Realty, Inc., Berkley South, LP and Ray Priola

At 11:59 P.M., Mr. Schuyler offered a motion which was seconded by Mr. Ruais, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

FHB File Number 2007-01497, Shelby James v. George's Realty, Inc., Berkley-South, LP and Ray Priola

At 12:40 P.M., a motion was made by Mr. Schuyler and seconded by Mr. Ruais that the Board reconvene in open

session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 9-0

AYES: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Clare and Johnson.

In the matter of **FHB File Number 2007-00009, Bettie High v. Royal Arms Associates LLP**, a motion was made by Ms. DuPuy and seconded by Mr. Bhatt to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-00009, Bettie High v. Royal Arms Associates LLP

Mr. Rubinstein gave the Education Committee Report. A motion was made by Mr. Schuyler and seconded by Mr. McMaster to accept the December 3, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell,

Administrative Issues

Maples, McMaster, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Schuyler and seconded by Ms. Epps to approve the following minutes with a correction on Page 8 amending 12:21 A.M. to read 12:21 P.M.: October 8, 2008, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler. **Minutes**

There being no further business, the meeting adjourned at 1:01 P.M. **Adjourn**

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary